

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

**FILED - GR**  
November 19, 2020 11:05 AM  
CLERK OF COURT  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
BY: ns SCANNED BY: TB 11/19/20

WILLIAM ANTHONY JONES, 168654,  
PETITIONER,  
VS  
SHERRY L. BURT, WARDEN  
RESPONDENT,

1:15-cv-1338  
CASE NO 1:15-CV-01696  
HON. ROBERT J. JONKER  
MAG. PHILLIP J. GREEN

PETITIONER'S STATEMENT AND POSITION DURING  
EVIDENTIARY HEARING ON DEPOSITING  
NOTICE OF APPEAL IN PRISON MAILBOX  
AND REQUEST TO BE ALLOWED TO PROCEED  
ON DIRECT APPEAL TO THE COURT OF APPEALS

PETITIONER STATES THAT ON MAY 10, 2020 AND MAY 30, 2020, I PLACED INDIVIDUAL NOTICES OF APPEALS IN THE U.S. MAIL AND ADDRESSED THEM BOTH TO THE CLERK OF THE COURT STATING THAT I WANTED TO FILE AN APPEAL FROM THE MAY 6, 2020 DENIAL OF THE PETITION FOR WRIT OF HABEAS CORPUS AND THAT IT WAS PLACED IN THE U.S. MAIL AT THE MUSKEGON CORRECTIONAL FACILITY.

I WAS NOT AWARE THAT I HAD TO ASK FOR AN EXTENSION OF TIME FOR FILING THE APPEAL AND THAT IT WAS ONLY AFTER I HAD MAILED THE FIRST 2 NOTICE OF APPEALS THAT I NEVER HEARD ANYTHING AND THEN, I FILED ANOTHER NOTICE OF APPEAL ON JULY 15, 2020. THAT WAS WHEN I HEARD ABOUT THE EXTENSION OF TIME AND I WAS FLOORED BY THAT BECAUSE I HAD MAILED THE NOTICES OUT TIMELY AND DID EVERYTHING THAT I WAS REQUIRED TO DO AND IT WAS DONE COMPLETELY AND THOROUGHLY IN ACCORDANCE WITH THE RULES OF COURT'S INSTRUCTIONS WHICH REQUIRED ME TO PLACE THE NOTICES OF APPEAL IN THE U.S. MAIL AND DO SO WITHIN THE PROPER AMOUNT OF TIME. I DID SO WITHIN THE AMOUNT OF TIME AND I WAS SHOCKED THAT I DID NOT HEAR ANYTHING WHEN OTHER PRISONERS HAVE DONE THE SAME THING AND GOT THEIR RESPONSES TO PROCEED WITHIN 10 DAYS OF THE APPEAL

TIME AND YET, I NEVER HEARD ANYTHING UNTIL THE SHOW CAUSE ORDER AND IT IS CLEARLY NOT MY FAULT THAT I SHOULD BE DEPRIVED OF THE RIGHT TO FILE MY APPEAL AND BEGIN THE APPEAL PROCESS WHEN I DID EVERYTHING AND ANYTHING THAT WAS POSSIBLE AND REQUIRED OF ME TO DO SO.

I DO NOT KNOW WHAT HAPPENED TO THE ORIGINAL NOTICES THAT I PLACED IN THE U.S. MAIL AND I HAVE ASKED THE COURT OF APPEALS TO ALLOW ME TO PROCEED WITH THE ORIGINAL APPEAL PROCESS AND I AM NOW ASKING THIS COURT TO ALLOW ME TO PROCEED WITH THE ORIGINAL APPEAL PROCESS BECAUSE I DID EVERYTHING THAT WAS REQUIRED OF ME TO DO SO, AND IT WAS NOT AND IS NOT MY FAULT THAT THE APPEALS DID NOT GET TO THE COURT, IT IS DUE TO CIRCUMSTANCES OUTSIDE OF MY CONTROL EITHER THE PRISON MAIL STAFF OR THE POSTAL SERVICE LOST IT, MISDIRECTED IT OR OTHER, BUT IT WAS NOT MY FAULT AND IS NOT MY FAULT.

AS THAT I HAVE IN FACT STATED UNDER PENALTY OF PERJURY THAT I HAVE MAILED THE NOTICES, THREE ACTUALLY--I INVOKE THE MAILBOX RULE UNDER WHICH THE APPEAL IS DEEMED FILED ON THE DATE I PLACED IT IN THE INSTITUTIONS MAILING SYSTEM AS ALLOWED UNDER FED. R. APP.P 49c). HOUSTON V. LACK, 487 U.S. 266, 275-76(1988) AND FIRST CLASS POSTAGE WAS PAID AND AS SUCH, I STATE THAT I SHOULD BE ALLOWED TO PROCEED WITH THE APPEAL IN THE NORMAL PROCESS SEEKING APPEAL FROM THE DISTRICT COURTS DECISION DENYING HABEAS RELIEF AND AS THAT IT HAS BEEN PLACED IN THE MAIL MYSELF, I SHOULD BE ALLOWED TO PROCEED ON DIRECT APPEAL UNDER THE NORMAL PROCESS.

THANK YOU YOUR HONOR.

#### RELIEF SOUGHT

PLEASE ALLOW THE APPEAL TO PROCEED UNDER THE NORMAL PROCESS AND PROVIDE THE 6TH CIRCUIT WITH NOTICE OF SUCH FILING AND ALLOW JURISDICTION TO BE GIVEN TO THE 6TH CIRCUIT FOR THE NOTICE OF APPEAL AND MY DIRECT APPEAL AND GRANT ANY FURTHER RELIEF THIS COURT DEEM NECESSARY AND APPROPRIATE.

RESPECTFULLY YOURS,

(2)

  
MR. WILLIAM ANTHONY JONES

168654

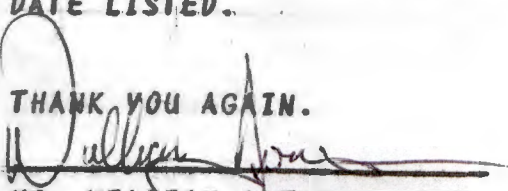
MUSKEGON CORRECTIONAL FACILITY  
2400 S. SHERIDAN DRIVE  
MUSKEGON, MI 49442

**PROOF OF SERVICE**

I SWEAR AND DECLARE THAT I MAILED ONE COPY OF THIS PLEADING DIRECTLY TO THE CLERK OF THE COURT-U.S. DISTRICT COURT 399 FEDERAL BUILDING, GRAND RAPIDS, MI 49442, JUDGE PAUL L. MALONEY -399 FEDERAL BUILDING, GRAND RAPIDS, MI 49442, JUDGE ROBERT J. JONKER--399 FEDERAL BUILDING-GRAND RAPIDS, MI 49442--JUDGE ROBERT J. JONKER-110 MICHIGAN ST. NW #685

GRAND RAPIDS, MI 49503 BY FIRST CLASS MAIL WITH ALL POSTAGE PAID IN FULL ON NOVEMBER 15TH AND NOVEMBER 16TH OF THE YEAR 2020 BY PLACING SAID PLEADING WITH ALL POSTAGE PAID IN FULL IN THE PRISON MAIL BOX AT MUSKEGON CORRECTIONAL FACILITY ON THE DATE LISTED.

THANK YOU AGAIN.

  
MR. WILLIAM ANTHONY JONE  
PRO SE PETITIONER

**WILLIAM ANTHONY JONES**

**#168654**

**MUSKEGON CORRECTIONAL FACILITY**

**2400 S. SHERIDAN DRIVE**

**MUSKEGON, MI 49442**

**GRAND RAPIDS MI 493**

**17 NOV 2020 PM 1**

**FOREVER  
USA**



**CLERK OF THE COURT**

**U.S. DISTRICT COURT**

**399 FEDERAL BUILDING**

**GRAND RAPIDS, MI 49503**

**49503-2313**

